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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,172	01/14/2004	Nizar Allibhoy	PU050093	4824

24498 7590 02/20/2007
JOSEPH J. LAKS, VICE PRESIDENT
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EXAMINER

ONYEZIA, CHUKS N

ART UNIT PAPER NUMBER

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,172

Applicant(s)

ALLIBHOY ET AL.

Examiner

Chuks Onyezia Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/14/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed Provisional Patent Application No. 60/203,461 is acknowledged. However, applicant has incorrectly claimed CIP statue claiming benefit from Provisional Patent Application. The continuation-in-part application must claim the benefit of the prior nonprovisional application under 35 U.S.C. 120 or 365(c).

Appropriate correction is required.

2. This application repeats a substantial portion of prior Application No. 09/635,737, filed 08/09/2000, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Drawings

3. The drawings are objected to because Figures 1-12 contain informal text, and figures 1 and 4 are presented on the same sheet (see MPEP 608.02). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 11-24, and 26-28 are rejected under 35

U.S.C. 102(e) as being anticipated by Dejaeger, U.S. Patent No. 6,296,185 B1 (PTO-892 Reference A).

5. As per claim 1, Dejaeger teaches a method of tracking a plurality of financial transactions between a user receiver and at least one content provider coupled to the user receiver by a network, wherein the tracking is performed by a third party separate from the user receiver and separate from the at least one content provider, the method comprising the steps of:

- a. storing preliminary information for each of the plurality of financial transactions in a third party controlled data base (see column 34 lines 44-58);
- b. obtaining supplemental information for each of the plurality of financial transactions in said third party controlled data base, wherein said obtaining step is performed by the third party (column 34 lines 44-58);

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- c. storing said supplemental information for each of the plurality of financial transactions in said third party controlled data base (column 34 lines 44-58);
 - d. displaying summary information for each of the plurality of financial transactions upon receipt of a display request from the user receiver, wherein said summary information is comprised of at least a portion of said stored preliminary information (column 16 lines 48-56) examiner interprets the users operation of the checkout system as a request;
 - e. permitting selection of one or more of the financial transactions by the user receiver for finalization (column 10 lines 62-67);
 - f. finalizing said selected one or more financial transactions (column 11 lines 14-25); and
 - g. providing transaction finalization information to each of the at least one content providers affected by said selected one or more financial transactions (column 27 lines 25-32).
6. As per claim 2, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the step of displaying at least one advertisement simultaneously with said summary information (column 59 lines 47-65).

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7. As per claim 3, Dejaeger teaches the above limitations of claim 2. Dejaeger further teaches said at least one advertisement includes linking information to a specific content provider (column 59 lines 47-65).

8. As per claim 4, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches said summary information is comprised of purchase tracking information (column 16 lines 48-56).

9. As per claim 5, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches said summary information is comprised of purchase status information (column 16 lines 48-56).

10. As per claim 6, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the steps of: determining display capabilities for the user receiver; and matching a format corresponding to said displayed summary information to said determined display capabilities (column 16 lines 48-56; the interactive customer interface terminal includes a display monitor which is provided to display retail information to the customer during operation of the checkout system. For example, transaction information such as item price, item description, total amount of the transaction, instructions, etcetera is displayed to the customer via the display monitor during

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operation of the checkout system in either its assisted mode of operation or its self-service mode of operation) examiner notes that a determination of display capabilities and matching format compatibilities is necessary in order to display such information.

11. As per claim 7, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches said finalizing step is further comprised of the step of displaying at least one checkout display screen (column 16 lines 48-56).

12. As per claim 8, Dejaeger teaches the above limitations of claim 7. Dejaeger further teaches the step of displaying at least one advertisement simultaneously with said at least one checkout display screen (column 59 lines 47-65).

13. As per claim 9, Dejaeger teaches the above limitations of claim 8. Dejaeger further teaches said at least one advertisement includes linking information to a specific content provider (column 59 lines 47-65).

14. As per claim 11, Dejaeger teaches the above limitations of claim 6. Dejaeger further teaches said displayed summary information utilizes only a portion of said determined display capabilities of the user receiver (See Figure 21).

15. As per claim 12, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the steps of: permitting

selection of one or more of the financial transactions by the user receiver for additional information inquiry; obtaining said additional information for said selected financial transactions from said third party controlled data base; and displaying said additional information for said selected financial transactions (column 34 lines 44-58).

16. As per claim 13, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the steps of: permitting selection of one or more of the financial transactions by the user receiver for additional information inquiry; obtaining said additional information for said selected financial transactions from the at least one content provider affected by said selected one or more financial transactions; and displaying said additional information for said selected financial transactions (column 34 lines 44-58).

17. As per claim 14, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the step of finalizing said selected one or more financial transactions is performed by a network operator (column 34 lines 40-54).

18. As per claim 15, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the step of charging each of the at least one content providers affected by said selected one or more financial transactions (column 26 lines 47-66).

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19. As per claim 16, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said charging step is performed by an operator of said network (column 26 lines 47-66).

20. As per claim 17, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said fee is based on a total number of finalized financial transactions (column 26 lines 47-66).

21. As per claim 18, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said fee to a specific content provider of said at least one content providers is based on a total number of finalized financial transactions occurring between said user receiver and said specific content provider (column 26 lines 47-66).

22. As per claim 19, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said fee is based on a cost associated with said finalized financial transactions (column 26 lines 47-66).

23. As per claim 20, Dejaeger teaches a network-based system for supporting a financial transaction, the system comprising:

- a. a network (column 33 lines 40-58);
- b. a content provider coupled to said network, wherein said content provider supplies enhanced content programming

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relating to said financial transaction (column 33 lines 40-58);

c. a receiver coupled to said network, said receiver capable of receiving said enhanced content programming and interacting with said content provider via said network (column 33 lines 40-58);

d. third party means for intercepting data relating to the financial transaction flowing between said content provider and said receiver via said network (column 34 lines 39-58);

e. third party means for directly obtaining supplemental information from said content provider relating to the financial transaction (column 34 lines 39-58);

f. a database coupled to said network and said third party means for storing at least a portion of said intercepted data and said supplemental information (column 34 lines 39-58);

g. third party means for selecting a portion of said stored data and information to be displayed (column 34 lines 39-58);

h. a display coupled to said receiver for displaying said selected portion of said stored data and information (column 16 lines 48-56);

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- i. third party means for finalizing the financial transaction with said receiver (column 11 lines 14-25); and
- j. third party means for providing financial transaction finalization information to said content provider (column 27 lines 25-32).

24. As per claim 21, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said third party intercepting means detects triggers contained within said enhanced content programming (column 59 lines 47-65).

25. As per claim 22, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said receiver is selected from the group consisting of set-top boxes, telephones, PDAs, and computers (column 17 lines 50-66).

26. As per claim 23, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said network is selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems (column 33 lines 40-54).

27. As per claim 24, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches means for determining a set of display capabilities for said receiver; and third party means for formatting said selected portion of said stored data and information to correspond to said set of display capabilities

(column 16 lines 48-56; the interactive customer interface terminal includes a display monitor which is provided to display retail information to the customer during operation of the checkout system. For example, transaction information such as item price, item description, total amount of the transaction, instructions, etcetera is displayed to the customer via the display monitor during operation of the checkout system in either its assisted mode of operation or its self-service mode of operation) examiner notes that a determination of display capabilities and matching format compatibilities is necessary in order to display such information.

28. As per claim 26, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said displayed selected portion of said stored data and information utilizes only a portion of a screen corresponding to said display (see Figure 21).

29. As per claim 27, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said third party intercepting means, said third party means for directly obtaining supplemental information, said third party selecting means, said third party finalizing means, and said third party means for providing financial transaction finalization information is a

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third party controller coupled to said content provider and to said receiver via said network (column 33 lines 40-54).

30. As per claim 28, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches third party means for displaying at least one advertisement on said display, said at least one advertisement displayed simultaneously with said selected portion of said stored data and information (see Figure 21).

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Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dejaeger, U.S. Patent No. 6,296,185 B1 (PTO-892 Reference A) in view of Fields, U.S. Patent No. 4,400,724 (PTO-892 Reference B).

33. As per claim 10, Dejaeger teaches the above limitations of claim 1. However Dejaeger does not teach said displayed summary information is displayed as a semi-transparent screen overlay. The Examiner notes, displaying information in this fashion does not modify the operation of Dejaeger's invention. To modify Dejaeger's display to include a semi-transparent screen overlay would have been obvious to the skilled artisan because the inclusion of such view would have been an obvious matter of design choice in light of the method already disclosed by Dejaeger (see Fields, column 11 lines 2-7). Such a modification would not have otherwise affected Dejaeger and would have merely

represented one of numerous views that the skilled artisan would have found obvious for the purposes of displaying multiple messages, already disclosed by Dejaeger. Additionally, applicant has not persuasively demonstrated the criticality of providing this arrangement versus the arrangement discloses in Dejaeger. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

34. As per claim 25, Dejaeger teaches the above limitations of claim 20. However Dejaeger does not teach said displayed selected portion of said stored data and information is a semi-transparent overlay. The Examiner notes, displaying information in this fashion does not modify the operation of Dejaeger's invention. To modify Dejaeger's display to include a semi-transparent screen overlay would have been obvious to the skilled artisan because the inclusion of such view would have been an obvious matter of design choice in light of the method already discloses by Dejaeger (see Fields, column 11 lines 2-7). Such a modification would not have otherwise affected Dejaeger and would have merely represented one of numerous views that the skilled artisan would have found obvious for the purposes of displaying multiple messages, already disclosed by Dejaeger. Additionally, applicant has not persuasively demonstrated the criticality of providing this arrangement versus the arrangement

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discloses in Dejaeger. See In re Japikse, 181 F.2d 1019, 86 USPQ

70 (CCPA 1950).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuks Onyezia Esq. whose telephone number is 571-270-1372. The examiner can normally be reached on first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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C. Onyezia 02/09/2007



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER